

Feb 03, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES S.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO: 1:19-CV-3064-FVS

ORDER GRANTING STIPULATED
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand pursuant to sentence four of 42 U.S.C. §405(g). ECF No. 20. The Plaintiff is represented by Attorney D. James Tree. The Defendant is represented by Special Assistant United States Attorney Summer Stinson.

After consideration, **IT IS HEREBY ORDERED** that the Stipulated Motion for Remand, **ECF No. 20**, is **GRANTED**. The Commissioner's final decision is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. §405(g). Upon remand to the Commissioner of Social Security, the Appeals Council should remand this case to the Administrative Law Judge

1 (ALJ) for a de novo hearing and a new decision. On remand, the ALJ shall
2 affirm, and not disturb, the favorable portion of the ALJ's decision finding Plaintiff
3 established disability onset date by May 1, 2017. Additionally, the ALJ will (1)
4 clarify the basis for the disability onset date and consider an earlier onset with the
5 assistance of a medical expert, as needed; (2) provide Plaintiff with the opportunity
6 to submit new evidence; (3) proceed through the sequential evaluation process; and
7 (4) obtain supplemental vocational evidence to determine whether there are jobs in
8 significant numbers in the national economy that Plaintiff could still do (applying
9 Social Security Ruling 00-4p).

10 The parties stipulate that this case be reversed and remanded to the ALJ on
11 the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Therefore, the
12 matter is remanded to the Commissioner for additional proceedings pursuant to
13 sentence four 42 U.S.C. 405(g). Upon proper presentation, this Court will consider
14 Plaintiff's application for costs and attorney's fees under 28 U.S.C. § 2412(d).

15 It is **FURTHER ORDERED** that Plaintiff's Motion for Summary
16 Judgment, **ECF No. 10**, is **DENIED** as moot, given the parties' motion for
17 remand.

18 The District Court Executive is hereby directed to enter this Order and provide
19 copies to counsel, enter judgment in favor of the Plaintiff, and **CLOSE** the file.

20 **DATED** February 3, 2020.

21 *s/ Rosanna Malouf Peterson*
ROSANNA MALOUF PETERSON
United States District Judge